

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM EDWARD FLYNN,

Movant,

File No. 1:09-CV-451

v.

HON. ROBERT HOLMES BELL

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Movant William Edward Flynn's motion for leave to file a memorandum of law (Dkt. No. 2), motion for leave to file an amended § 2255 motion (Dkt. No. 7), motion for extension of time to file a brief in support of his § 2255 motion (Dkt. No. 8), and motion to compel production of documents (Dkt. No. 5).

The Court will grant, in part, Movant's motions for leave to file, and for extension of time to file, a memorandum of law in support of his § 2255 motion. Movant's motion filed on January 4, 2010, requests an additional ninety days to file a brief in support of his motion, based on his assertion that the IRS "is in the process of providing additional documents and things, which directly bear on the issues submitted for review" (Dkt. No. 8.) The Court will grant Movant an additional thirty days to file his brief in support of the claims raised in his § 2255 motion and/or proposed amended motion. If no memorandum is filed in that time,

the Court may proceed to evaluate his § 2255 motion pursuant to the Rules Governing Section 2255 Proceedings. The Court does not address at this time whether any of Movant's claims are timely and/or properly filed. The Court will consider Movant's motion to amend after his memorandum has been filed, or after the time period for filing his memorandum has passed.

Movant has also filed a motion to compel production of documents from the Federal Bureau of Investigation (FBI) (Dkt. No. 5). Movant seeks production of all documents that pertain to Movant. (*Id.*) This motion appears to be moot, as Movant indicates in his motion for an extension of time that the FBI has agreed to release information to him. Even if the motion is not moot, Movant has not demonstrated "good cause" for discovery of such documents, much less explained their relevance to his § 2255 motion. *See* Rule 6 of the Rules Governing Section 2255 Proceedings (noting that a judgment may allow discovery for "good cause").

Accordingly,

IT IS HEREBY ORDERED that Movant's motion for leave to file a memorandum of law and motion for extension of time (Dkt. Nos. 2, 8) are **GRANTED IN PART**. Movant shall have thirty (30) days from the date of this opinion and order to file a memorandum of law in support of the claims raised in his § 2255 motion and proposed amended motion.

IT IS FURTHER ORDERED that Movant's motion to compel production of documents (Dkt. No. 5) is **DENIED**.

Dated: January 7, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE